

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JASON TOWNS

PLAINTIFF

VS.

CIVIL ACTION NO. 4:19-CV-70-SA-JMV

**MISSISSIPPI DEPARTMENT
OF CORRECTIONS, et al.**

DEFENDANTS

ORDER

This matter is before the Court on motion of the plaintiff to compel a non-party to produce pursuant to subpoena the personnel file of Derrick Sanders, an unserved named party to this action. For the reasons below, the motion is denied.

The subject subpoena was issued by plaintiff's counsel on May 27, 2020, and on June 4 served on a "Mrs. Reddix," represented to be the secretary of Timothy Morris, as Superintendent of MDOC. The subpoena required the production of documents at plaintiff's counsel's office the following day. According to plaintiff's counsel, Mr. Morris has submitted a response to the subpoena, asserting, among other matters, insufficient time to respond; insufficient process; inability to produce confidential files; and lack of possession of the material sought.

The undersigned finds the subpoena does not supply a reasonable time to respond and is overly broad because it is a blanket request for a former employee's entire personnel file or, in its alternate form, among other information, would seek background investigations, training and disciplinary action information—even though the docket reflects Sanders (individually) has not yet been served in this action. Therefore, the relief sought pursuant to the motion to compel is denied both in the original form sought and the alternate form proposed.

So ordered this, the 14th day of July, 2020.

/s/ Jane M. Virden
U.S. Magistrate Judge